

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF WEST VIRGINIA

IN THE MATTER OF THE SEARCH OF
SKIMMING DEVICE NUMBER TWO,
CURRENTLY LOCATED AT FEDERAL
BUREAU OF INVESTIGATION, IN
CLARKSBURG, WV

Case No. 1:17mj104

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Terry Hedrick, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—an electronic device—which is currently in law enforcement possession, and the extraction from that property of electronically stored information described in Attachment B.

2. I am a Special Agent with the United States Secret Service, and have been since October 2004. I have otherwise been in law enforcement since January 1989. My investigative duties focus primarily on conducting criminal investigations involving counterfeiting of United States currency, forgery, bank fraud, false loan applications, wire fraud, credit card fraud, false identification, other financial crime investigations, and protective intelligence/threat investigations. Throughout my career, I have had substantial experience in locating and analyzing electronic evidence.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE DEVICE TO BE EXAMINED

4. The property to be searched is SKIMMING DEVICE NUMBER TWO, hereinafter the “Device.” The Device is currently located at the Resident Agency of the Federal Bureau of Investigation, in Clarksburg, West Virginia.

5. A skimming device, often referred to as a “skimmer,” is a simple storage device installed covertly at a point of sale terminal to capture personal identifying information, including credit and debit card information. The information is then retrieved by manually removing the device, or, if the device is equipped with Bluetooth technology, by remotely downloading the information.

6. The applied-for warrant would authorize the forensic examination of the Device for the purpose of identifying electronically stored data particularly described in Attachment B.

PROBABLE CAUSE

7. Department of Homeland Security (“DHS”) records indicate that Naudi Reyes Fernandez is a Cuban National and a Lawful Permanent Resident (Cuban Refugee). His last known residence is in Miami, Florida.

8. DHS records indicate that Meylan Montalvo Gomez and Yarai Fuentes Quinones are Cuban Nationals and Lawful Permanent Residents (Cuban Refugee). Their last known residence is in Hialeah, Florida.

9. DHS records indicate that Yoson Pons Sosa is a Cuban National and a Lawful Permanent Resident (Cuban Refugee). His residence is unknown.

10. On September 1, 2017, Fernandez rented a 2017 Ford Expedition bearing Virginia registration VWU1946 (“Ford 1946”) from Enterprise at the Baltimore-Washington International (“BWI”) Airport in Hanover, Maryland.

11. On September 5, 2017, Gomez flew from BWI Airport to the Miami Airport on American Airlines Flight Number 2531.

12. On September 13, 2017, Quinones flew from the Miami Airport to the LaGuardia Airport in New York City on Delta Airlines Flight Number 2820.

13. On September 14, 2017, Gomez was captured on JP Morgan Chase ATM surveillance in Orangeburg, New York, conducting an unauthorized cash withdrawal. Gomez had pulled up to the drive-thru ATM driving a white Nissan Altima with a Florida registration EFJS52. A subsequent inquiry revealed that this plate was soon after this date replaced by Florida registration ISDF94 on a black 2015 BMW four-door sedan registered to Gomez.

14. On September 18, 2017, at approximately 3:28 p.m., the parking lot surveillance at the University Town Centre Walmart in Granville, West Virginia showed a white Nissan sedan, believed to be the white Nissan Altima arriving. At approximately 3:36 p.m., Gomez was captured on surveillance at the Walmart making an unauthorized point of sale purchase using the debit card information of H.C. of Morgantown. At approximately 3:37 p.m., Gomez was captured on surveillance exiting the Walmart. At approximately 3:43 p.m., Quinones was captured on surveillance at the Walmart making an unauthorized point of sale purchase using the

debit card information of M.T. of Preston County, West Virginia. At approximately 3:54 p.m., Quinones was captured on surveillance exiting the Walmart. H.C. had purchased gasoline via the same debit card at the Exxon on Grafton Road, in Morgantown on September 14, 2017. M.T. had purchased gasoline via the same debit card at the Grafton Road Exxon on September 17, 2017.

15. On September 18, 2017, at approximately 4:03 p.m., Gomez was captured on Huntington National Bank ATM surveillance at University Town Centre Giant Eagle in Granville, West Virginia, making an unauthorized cash withdrawal using the debit card information of C.L. of Morgantown. C.L. had purchased gasoline via the same debit at the Grafton Road Exxon on September 11, 2017. From approximately 4:09 p.m. to 4:12 p.m., Quinones was captured on the same video conducting four (4) unauthorized cash withdrawals using the debit card information of M.T.

16. On September 18, 2017, at approximately 6:26 p.m., the Nissan Altima was captured on a license plate reader located at Mile Marker 150 on Interstate 79 Southbound near Morgantown.

17. On September 19, 2017, at approximately 1:13 p.m., the Ford 1946 was captured on store surveillance entering the parking lot of the Sheetz store at 21 Asturias Avenue in Morgantown. At approximately 1:14 p.m., Quinones was captured on surveillance entering the store, and at approximately 1:16 p.m., she is shown conducting an unauthorized ATM withdrawal. At approximately 1:23 p.m., the surveillance shows Quinones enter the Ford 1496. The front seat passenger appears to be Sosa.

18. On September 19, 2017, at approximately 4:19 p.m., the Ford 1946 was captured on a license plate reader located at Mile Marker 1 on United States Route 33 Eastbound near Weston, West Virginia.

19. On September 20, 2017, at approximately 5:56 p.m., Sosa was captured on ATM video conducting an unauthorized cash withdrawal at the Ashton Place Kroger in Charleston, West Virginia, using the debit card information of E.T. of Morgantown. E.T. had purchased gasoline via the same debit card at the Grafton Road Exxon on September 15, 2017.

20. On September 21, 2017, at approximately 1:50 a.m., there was an unauthorized cash withdrawal on an ATM at Mardi Gras Casino, in Cross Lanes, West Virginia, using the debit carding information of M.B. of Morgantown. M.B. had purchased gasoline at the Cheat Lake Exxon, in Morgantown, on September 6, 2017.

21. On September 21, 2017, at an unknown time, there was an unauthorized cash withdrawal on an ATM at Mardi Gras Casino using the debit card information of L.K. of Preston County. L.K. had purchased gasoline via the same debit card at the Grafton Road Exxon on September 11, 2017.

22. On September 21, 2017, at an unknown time, there was an unauthorized cash withdrawal on an ATM at Mardi Gras Casino using the debit card information of S.L. of Morgantown. S.L. had purchased gasoline via the same debit card at the Grafton Road Exxon on September 11, 2017.

23. On September 21, 2017, at approximately 11:17 a.m., there was an unauthorized cash withdrawal on an ATM in South Charleston, West Virginia, using the debit card information of M.B.

24. On September 21, 2017, at an unknown time, there was an unauthorized point of sale purchase at a Kroger in South Charleston, using the debit card information of S.L.

25. On September 21, 2017, at approximately 4:01 p.m., an unknown female was captured on SunTrust ATM video at Kroger in St. Albans, West Virginia, conducting two unauthorized cash withdrawals using the debit card information of A.W. of Preston County. A.W. had purchased gasoline via the same debit card at the Grafton Road Exxon on September 15, 2017.

26. On September 21, 2017, at an unknown time, there were unauthorized two point of sale purchases at the Kroger in St. Albans, West Virginia, using the debit card information of S.L.

27. On September 21, 2017, at approximately 7:48 p.m., Gomez was captured on surveillance at Walmart in Fairmont, West Virginia, making two unauthorized cash withdrawals at an ATM using the debit card information M.B. of Morgantown.

28. On September 21, 2017, at an unknown time, there was an unauthorized point of sale purchase at a Kroger in Clarksburg, West Virginia, using the debit card information of M.B.

29. On September 21, 2017, at an unknown time, there was an unauthorized point of sale purchase at a Kroger in Clarksburg, West Virginia, using the debit card information of J.D.

of Morgantown. J.D. had purchased gasoline via the same debit card at the Grafton Road Exxon on September 15, 2017.

30. On September 23, 2017, Fernandez, Sosa, and Quinones flew from the BWI Airport to the Miami Airport on American Airlines Flight Number 1049.

31. On September 25, 2017, the Ford 1946 was returned to Enterprise at the BWI Airport.

32. On October 4, 2017, Fernandez rented a 2017 Ford Expedition bearing Virginia registration VWU1942 ("Ford 1942") from Enterprise at the BWI Airport.

33. On October 11, 2017, at approximately 8:58 p.m., Gomez was captured on JP Morgan Chase Bank ATM surveillance in White Plains, New York, conducting an unauthorized cash withdrawal. Sosa was captured on the same surveillance standing behind Gomez during the transaction.

34. On October 14, 2017, from approximately 8:45 p.m. to 9:05 p.m., Fernandez, Sosa, Gomez, and Quinones were captured on JP Morgan Chase Bank ATM surveillance in Hartsdale, New York, conducting unauthorized cash withdrawals.

35. On October 15, 2017, at approximately 12:10 a.m., Gomez, Sosa, and Fernandez were captured on JP Morgan Chase Bank ATM surveillance in White Plains, New York, conducting unauthorized cash withdrawals.

36. On October 16, 2017, at approximately 3:50 p.m., Sosa and Fernandez were captured on surveillance at the Kroger in Sabraton, West Virginia, conducting an unauthorized cash withdrawal from a Clear Mountain Bank ATM, using the debit card information of D.W. of Morgantown.

37. On October 16, 2017, at approximately 4:08 p.m., Sosa and Fernandez were captured on surveillance at the Sheetz in Sabraton, West Virginia. The surveillance shows Sosa conducting an unauthorized point of sale purchase, using the debit card information of D.W. of Morgantown. At approximately 4:11 p.m., the surveillance video from the Sheetz parking lot shows Ford 1942 exiting.

38. On October 16, 2017, at approximately 4:31 p.m., Sosa and Fernandez were captured on surveillance at the Suncrest Town Centre Kroger in Morgantown, making an unauthorized point of sale transaction using the debit card information of D.W.

39. On October 16, 2017, at approximately 4:37 p.m., there was an unauthorized point of sale purchase at the Suncrest Town Centre Kroger in Morgantown, using the debit card information of J.R. of Morgantown. J.R. had purchased gasoline via the same debit card at the Cheat Lake Exxon on September 25, 2017.

40. On October 16, 2017, at approximately 5:03 p.m., there was an unauthorized cash withdrawal from the Clear Mountain Bank ATM inside the Suncrest Town Centre Kroger in Morgantown, using the debit card information of J.R.

41. On October 16, 2017, at approximately 7:02 p.m., the Ford 1942 was captured on a license plate reader located at Mile Marker 150 on Interstate 79 Southbound near Morgantown.

42. On October 16, 2017, at approximately 7:38 p.m. and 7:39 p.m., there were two unauthorized point of sale purchases at a Kroger in Clarksburg, West Virginia, using the debit card information of S.B. and M.B. of Morgantown. On the same date, at an unknown time, a Western Union money order was purchased at the Pike Street Kroger in Clarksburg. As detailed below, on October 23, 2017, this money order was seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

43. On October 17, 2017, at approximately 8:44 a.m., Gomez was captured on surveillance inside the Sheetz store located in Sabraton, West Virginia, exiting the store, and entering the driver's seat of Ford 1942. At approximately 8:41 a.m., Gomez was captured on surveillance conducting an unauthorized cash withdrawal from the PNC Bank ATM at the Sabraton Sheetz, using the debit card information of J.R.

44. On October 17, 2017, at approximately 11:45 p.m., Quinones landed at the BWI Airport aboard American Airlines Flight Number 313, which had flown from the Miami Airport.

45. On October 18, 2017, at approximately 8:07 a.m., Gomez rented a 2017 Nissan Versa bearing Maryland registration 7CY3449 from All Car Leasing, Inc. d/b/a NextCar at the BWI Airport.

46. On October 18, 2017, at 7:30 p.m., Quinones was captured on surveillance at the Sabraton Kroger, conducting an unauthorized cash withdrawal from the Clear Mountain Bank ATM at the Sabraton Kroger, using the debit card information of C.W. and R.W. of Preston County. On the same date, a Western Union money order was purchased at the Sabraton Kroger. As detailed below, on October 23, 2017, this money order was seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

47. On October 18, 2017, at 7:48 p.m., Quinones was captured on surveillance at Circle K in Dellslow, West Virginia conducting an unauthorized ATM cash withdrawal using the information from the debit card of C.W. and R.W. An unknown male ("Unknown Male"), associated with Quinones, was captured on the same surveillance using cash to purchase a carton of cigarettes. In a subsequent interview, the cashier recalled Unknown Male showing her a Colorado driver's license and speaking broken English.

48. On October 18, 2017, at 8:01 p.m. to 8:04 p.m., Quinones was captured on surveillance at the Little General Store in Dellslow, West Virginia, conducting unauthorized ATM cash withdrawals and a point of sale purchase, using the information from the debit card of S.W. of Preston County.

49. On October 18, 2017, at approximately 8:07 p.m., Sosa was captured on surveillance at Clear Mountain Bank ATM surveillance at the Suncrest Town Centre Kroger in Morgantown, conducting an unauthorized cash withdrawal, using the information from the debit card of D.B. of Morgantown. D.B. had purchased gasoline via the same debit card at the Cheat Lake gasoline station on September 25, 2017.

50. On October 18, 2017, at approximately 8:20 p.m., Unknown Male conducting unauthorized cash withdrawals from the First United Bank ATM at the Suncrest Town Centre Kroger in Morgantown.

51. On October 19, 2017, at approximately 1:08 a.m., Gomez and Quinones were captured on surveillance video at the Sheetz store at 21 Asturias Avenue in Morgantown. At approximately 1:14 a.m., Gomez and Quinones were captured on surveillance conducting an unauthorized cash withdrawal from the PNC Bank ATM inside the Sheetz store, using the debit card of S.W. At approximately 1:21 a.m., the Nissan Versa was captured on Sheetz surveillance as it exited the parking lot and traveled south on Grafton Road.

52. On October 19, 2017, between 1:46 p.m. and 1:48 p.m., there were unauthorized point of sale purchases at the Suncrest Town Centre Kroger in Morgantown, using the debit card information of C.Z. of Preston County. C.Z. had purchased gasoline via the same debit card at the Grafton Road Exxon on October 17, 2017.

53. On October 19, 2017, at approximately 1:56 p.m., there was an unauthorized cash withdrawal from a First United Bank ATM at the Suncrest Town Centre in Morgantown, using the debit card information of C.Z.

54. On October 19, 2017, at approximately 2:43 p.m., there was an unauthorized point of sale transaction at the Patteson Drive Kroger in Morgantown, using debit card information of C.Z.

55. On October 19, 2017, at approximately 2:50 p.m., Gomez and Quinones were captured on surveillance inside the Patteson Drive Kroger in Morgantown, conducting unauthorized point of sale transactions at a self-checkout lane, using the information from the Fairmont Federal Credit Union debit card of M.S.P. During these transactions, the surveillance captured Unknown Male purchasing lottery tickets. Surveillance shows Gomez and Quinones exit the store and wait for Unknown Male. Then, the three enter a white sedan and exit the parking lot. On the same date, two Western Union money orders were purchased at the Patteson Drive Kroger, one of which was signed by Gomez. As detailed below, on October 23, 2017, these money orders were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

56. On October 19, 2017, at approximately 3:00 p.m., Gomez and Quinones are captured on surveillance at the Patterson Drive Rite-Aid in Morgantown, conducting unauthorized point of sale purchases using the debit card information of M.S.P. and C.Z. Unknown male was also captured on the same video conducting an unknown transaction.

57. On October 19, 2017, at an unknown time, two Western Union money orders were purchased at the University Town Centre Giant Eagle in Granville, West Virginia. As detailed below, on October 23, 2017, these money orders were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

58. On October 19, 2017, at approximately 5:27 p.m., the Nissan Versa was captured by the license plate reader at Mile Marker 150 on Interstate 79 Southbound near Morgantown.

59. On October 20, 2017, West Virginia State Police (“WVSP”) Senior Trooper P.J. Maidens, having received a complaint from M.S.P., traveled to the Rite-Aid on Patteson Drive, in Morgantown, where some of his disputed transactions had occurred on October 19, 2017. Trooper Maidens spoke with employee J.G. When Trooper Maidens asked the employee to review surveillance video, she asked if he was looking for one (1) Hispanic male and two (2) Hispanic females. The employee advised that she had observed parties matching this description purchasing random items in the store and paying with strange, brightly colored credit cards. The employee also noticed that the male was carrying a very large “wad” of United State currency in his wallet. The employee attempted to obtain the license plate number from the vehicle as they left. She believed the number was “TCY3449.” The employee recalled that the vehicle was a newer sedan with a license plate on the front and back of the vehicle. The employee described the license plate as white with a little red on the border.

60. On October 20, 2017, an employee of the Grafton Road Exxon reported to the Monongalia County Sheriff’s Office the discovery of a skimmer device in one of its gasoline pumps.

61. On October 20, 2017, at approximately 3:35 p.m., Gomez and Quinones were captured on surveillance at a Huntington National Bank ATM at Southridge Mall, in South Charleston, West Virginia, conducting an unauthorized cash withdrawal using the debit card information of C.Z.

62. On October 20, 2017, at approximately 4:19 p.m., there was an unauthorized point of sale purchase at the Walmart in Nitro, West Virginia, using the debit card information of C.Z.

63. On October 20, 2017, at approximately 6:03 p.m., there was an unauthorized cash withdrawal from an ATM at the Kroger on Delaware Avenue, in Charleston, using the debit card information of K.S of Preston County. Between approximately 6:22 p.m. and 6:26 p.m., there were four unauthorized point of sale purchases using the card information of K.S.

64. On October 20, 2017, at an unknown time, a Western Union money order was purchased at the Ashton Place Kroger, in Charleston, West Virginia. As detailed below, on October 23, 2017, this money order was seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

65. On October 20, 2017, at an unknown time, three Western Union money orders were purchased at the Riverwalk Kroger in South Charleston, West Virginia. As detailed below, on October 23, 2017, these money orders were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

66. On October 21, 2017, at approximately 2:18 a.m. and 2:19 a.m., there were two unauthorized cash withdrawals from an ATM at Mardi Gras Casino, in Cross Lanes, West Virginia, using the debit carding information of K.S.

67. On October 21, 2017, in the morning, an employee of the Cheat Lake Exxon reported to the WVSP the discovery of a skimmer device inside one of its pumps. This skimmer and the skimmer found at the Grafton Road Exxon are substantially identical in appearance.

68. On October 21, 2017, at approximately 12:21 p.m., there was an unauthorized point of sale purchase at the Kroger in South Charleston, West Virginia, using the debit card information of D.R. of Preston County. D.R. had purchased gasoline with this debit card at the Grafton Road Exxon on October 6, 2017.

69. On October 21, 2017, at approximately 1:08 p.m. and 1:10 p.m., there were two unauthorized point of sale purchases at a Kroger in South Charleston, West Virginia, using the debit card information of A.M. of Preston County. Between approximately 1:11 p.m. and 1:15 p.m., there were three unauthorized point of sale purchases at this Kroger store, using the debit card information of N.T. of Morgantown. At approximately 1:12 p.m. and 1:17 p.m., Gomez and Quinones, respectively, were captured on surveillance exiting this Kroger store. A.M. had purchased gas with this debit card at the Grafton Road Exxon on October 18, 2017.

70. On October 21, 2017, at approximately 1:21 p.m., there was an unauthorized point of sale purchase at the Kroger in South Charleston, West Virginia, using the debit card information of D.R. of Preston County. At approximately 1:23 p.m., there was a cash withdrawal from an ATM at this Kroger store, using the debit card information of D.R. On the same date, at unknown times, there were three Western Union money orders purchased at this Kroger store. As detailed below, on October 23, 2017, these money orders were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa. D.R. had purchased gasoline with this debit card at the Grafton Road Exxon on October 6, 2017.

71. On October 21, 2017, between approximately 1:21 p.m. and 1:27 p.m., Gomez and Quinones were captured on bank and ATM surveillance at the Riverwalk BB&T in South Charleston, West Virginia, conducting unauthorized cash withdrawals using the debit card information of D.R. and of N.T. During these transactions, this surveillance also captured Unknown Male standing close behind Gomez and Quinones. At approximately 1:29 p.m., Unknown Male made an unauthorized cash withdrawal, using the debit card information of D.R.

72. On October 21, 2017, at approximately 1:48 p.m., there was an unauthorized point of sale purchase at the Kroger in Dunbar, West Virginia, using the debit card information of K.W. of Preston County. K.W. had purchased gasoline at the Grafton Road Exxon with this debit card on October 11, 2017. On October 21, 2017, there were also three Western Union money orders purchased at the Dunbar Kroger. As detailed below, on October 23, 2017, these money orders were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

73. On October 21, 2017, at approximately 3:31 p.m., there was an unauthorized ATM withdrawal at the Kroger in St. Albans, West Virginia, using the debit card information of W.S. of Morgantown. On the same date, at an unknown time, a Western Union money order was purchased at this Kroger store. As detailed below, on October 23, 2017, this money order and a counterfeit credit card containing the debit card information of W.S. were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

74. On October 21, 2017, at unknown times, the following additional Western Union money orders were purchased at Kroger stores in the Kanawha Valley of West Virginia: four from the Kroger on Big Tyler Road in Charleston, one from the Ashton Place Kroger in Charleston, one from the Kroger in Marmet, and one from the Kroger in Smithers. As detailed below, on October 23, 2017, these money orders were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

75. On October 22, 2017, at approximately 1:29 a.m., Gomez was captured on Huntington National Bank ATM surveillance in South Charleston, West Virginia, conducting an unauthorized cash withdrawal using the debit card information of K.W. Gomez was operating a white sedan vehicle.

76. On October 22, 2017, at approximately 1:36 p.m., Sosa was captured on surveillance at the Kroger in Scott Depot, West Virginia, conducting a transaction at the customer service desk where Western Union money orders are sold. As described below, on October 23, 2017, a Western Union money order purchased from this Kroger store on October 22, 2017 was seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

77. On October 22, 2017, between 1:47 p.m. and 1:51 p.m., there were two unauthorized transactions at the Kroger in Barboursville, West Virginia, using the debit card information of W.K. of Elkridge, Maryland. W.K. had used his debit card to purchase gasoline from the Grafton Road Exxon on October 18, 2017. On October 22, 2017, at approximately 1:42 p.m., Quinones was captured on surveillance at this Kroger store, conducting a transaction at the customer service desk where Western Union money orders are sold. As detailed below, on

October 23, 2017, Western Union money orders purchased at this Kroger store on October 22, 2017 were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

78. On October 22, 2017, at approximately 2:39 p.m., there was an unauthorized cash withdrawal at the One Stop gasoline station in St. Albans, West Virginia, using the debit card information of A.W. of Morgantown. On the same date, between approximately 2:55 p.m. and 2:59 p.m., there were three unauthorized point of sale purchases at the Kroger in St. Albans, using the debit card information of A.W. At approximately 3:00 p.m., Sosa was captured on surveillance at this Kroger store conducting a transaction at the customer service desk where Western Union money orders are sold. At approximately 3:02 p.m., Sosa and Fernandez were captured on surveillance exiting this Kroger store. As described below, on October 23, 2017, a counterfeit credit card containing the debit card information of A.W. and a Western Union money order purchased from this Kroger store on October 22, 2017 were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

79. On October 22, 2017, from approximately 2:54 p.m. to 3:04 p.m., there were two unauthorized point of sale purchases and an unauthorized cash withdrawal at the Kroger, in St. Albans, West Virginia, using the debit card information of J.W. of Morgantown. As described below, on October 23, 2017, a counterfeit credit card containing the debit card information of J.W. was seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

80. On October 22, 2017, at approximately 3:35 p.m., Gomez was captured on surveillance at the Kroger on 7th Avenue in Huntington, West Virginia, conducting a transaction at the customer service desk where Western Union money orders are sold. At approximately 3:37 p.m., Quinones was captured on surveillance conducting a transaction at the same customer

service desk. As described below, on October 23, 2017, Western Union money orders purchased from this Kroger store on October 22, 2017 were seized from a hotel room occupied by Gomez, Quinones, Fernandez, and Sosa.

81. On October 22, 2017, at approximately 4:06 p.m., Fernandez used Expedia to reserve a hotel room at the Holiday Inn Hotel & Suites Huntington-Civic Arena located on 800 3rd Avenue, in Huntington, West Virginia.

82. On October 22, 2017, at approximately 4:28 p.m., Fernandez, accompanied by Sosa, checked in at the Holiday Inn and received Room Number 202.

83. On October 22, 2017, at approximately 6:58 p.m., Sosa was captured on surveillance at the Kroger on 7th Avenue in Huntington, West Virginia, conducting a transaction at the customer service desk where Western Union money orders are sold. Fernandez is on surveillance standing next to Sosa. As described below, on October 23, 2017, Western Union money orders purchased from this Kroger store on October 22, 2017 were seized from Room Number 202.

84. On October 22, 2017, at approximately 7:26 p.m., there was an unauthorized cash withdrawal at Clark's Pump-N-Shop on 5th Avenue, in Huntington, using the debit card information of E.K. of Morgantown. As described below, on October 23, 2017, a counterfeit card containing the debit card information of E.K. was seized from Room Number 202.

85. On October 22, 2017, at unknown times, the following additional Western Union money orders were purchased at Kroger stores in or near Huntington, West Virginia: two from the store on 5th Avenue in Huntington and two from the store in Proctorville, Ohio, across the Ohio River from Huntington. As detailed below, on October 23, 2017, these money orders were seized from Room Number 202.

86. On October 23, 2017, at approximately 1:15 a.m., the Nissan Versa was captured on surveillance video at a JP Morgan Chase Bank ATM located at 1000 5th Avenue, in Huntington, West Virginia.

87. On October 23, 2017, at approximately 8:25 a.m., according to GPS data provided by All Car Leasing, Inc. the Nissan Versa was located at 800 3rd Avenue, in Huntington, West Virginia, which is the location of the Holiday Inn Hotel & Suites Huntington-Civic Arena.

88. An open source search discovered a news article in Lexington, Kentucky from September 9, 2015, reporting the arrest of four females, including Gomez on charges of credit card forgery. According to the article, the females allegedly used twenty-two (22) counterfeit credit cards to purchase over \$3,000.00 worth of merchandise in the Lexington area. The official rap sheet of Gomez indicates that she was charged with twenty-two (22) counts of felony Second Degree Criminal Possession of Forged Instruments, one count of felony False Making or Embossing of Credit Card, one count of felony Theft by Deception, and one count of felony Engaging in Organized Crime. Mayara Porto-Zamora was among the Cuban females charged with Gomez in Lexington, Kentucky. An NCIC check on Ms. Zamora revealed that she is a fugitive on the Lexington charges and, as such, had an active arrest warrant.

89. On October 23, 2017, at approximately 12:00 p.m., WVSP Sgt. Barry Wellman observed the Nissan Versa and the Ford 1942 parked at the Holiday Inn.

90. Following these observations in the parking lot, WVSP Sgt. Wellman entered the Holiday Inn and spoke to the front desk clerk about the vehicles. The clerk informed WVSP Sgt. Wellman that the Ford 1942 was registered to Room Number 202.

91. WVSP Sgt. Wellman and other WVSP Troopers approached Room Number 202 and knocked on the door. Gomez opened the door. WVSP Sgt. Wellman asked Gomez to provide identification. Gomez turned around presumably to obtain her identification. When Gomez turned around, she left the door open. WVSP Sgt. Wellman was able to observe multiple individuals in the room, including two males and a second female. Believing that fugitive Zamora could be inside the room, and for officer safety, the WVSP entered the room behind Gomez. While trying to identify the individuals in the room, WVSP Sgt. Wellman observed in plain view multiple stacks of credit cards and a large amount of United States Currency. Present in the room were Gomez, Quinones, Fernandez, and Sosa. The WVSP handcuffed Fernandez and Sosa and removed them into the hallway. The WVSP then escorted Gomez and Quinones into the hallway without placing them in handcuffs. Each provided a form of identification. Gomez, Quinones, and Fernandez provided Florida driver's licenses bearing their names. Sosa provided a Cuban passport bearing his name.

92. WVSP Trooper First Class R.L. Walton transported Gomez, Quinones, Fernandez, and Sosa to the Huntington WVSP Detachment for processing.

93. In the meantime, WVSP Sgt. Wellman and Cpl. T.W. Tippet secured Room Number 202, while WVSP Trooper A.T. Farmer obtained Circuit Court of Cabell County search warrants for Room Number 202, the Nissan Versa, and Ford 1942.

94. On October 23, 2017, at approximately 5:00 p.m., the WVSP executed a Circuit Court of Cabell County search warrant on Room Number 202. Pursuant to the warrant, the WVSP seized the following items:

- approximately \$48,000.00 in United States Currency;
- approximately \$38,000.00 worth of Western Union and MoneyGram money orders;
- approximately seventy (70) debits cards;
- approximately sixty (60) gift cards;
- three skimmer devices substantially identical to those removed from the Cheat Lake and Grafton Road Exxon gasoline stations, including the subject Device;
- a device used to produce counterfeit credit cards;
- three Colorado driver's licenses bearing photographs of Gomez, Quinones, and Fernandez all bearing false names, which were on the majority of the debit cards;
- one Kentucky driver's license bearing the photograph of Gomez, bearing the name of Gomez;
- two HP laptops; and
- six cell phones, including two prepaid phones.

95. The Western Union money orders number forty (40) for a total value of \$28,498.00. Thirty-six (36) of these money orders were purchased at Kroger stores throughout West Virginia, including in Morgantown, Clarksburg, Charleston, South Charleston, Huntington, Marmet, Dunbar, Scott Depot, Smithers, and Barboursville between October 16, 2017 and October 22, 2017. Two (2) of these money orders were purchased on October 22, 2017 at a Kroger store in Proctorville, Ohio, which is located just across the Ohio River from Huntington. The final two (2) of these money orders were purchased on October 19, 2017 at the University Town Centre Giant Eagle in Granville, West Virginia.

96. The MoneyGram money orders number seventeen (17) for a total value of \$10,300.00 purchased between October 6, 2017 and October 21, 2017. A grand jury subpoena has been issued to determine the locations at which these money orders were purchased.

97. Following the search of the hotel room, the WVSP executed Circuit Court of Cabell County search warrants on the Nissan Versa and the Ford 1492. The search of the Nissan Versa recovered one bankcard and a plastic bag with Maryland ATM receipts. The search of the Ford 1942 recovered a rental receipt from Enterprise.

98. On October 23, 2017, at approximately 7:00 p.m., Fernandez, Sosa, Gomez, and Quinones were booked at the Western Regional Jail in Barboursville, West Virginia, having been charged in the Magistrate Court of Cabell County with felony Conspiracy to Commit Credit Card Fraud. Their bonds were each set at \$150,000.00 cash only.

99. On October 25, 2017, the WVSP released the cell phones, the laptops, the encoder, the debit cards, and the gift cards to the United States Secret Service.

100. On October 27, 2017, analysis of the seized debit cards indicated that approximately sixty-five (65) of the cards appear to be counterfeit. Clear Mountain Bank has confirmed eight (8) customers and United Bank has confirmed three (3) customers, all of whom are residents of Morgantown or Preston County. PNC Bank has confirmed ten (10) customers, half of which are residents of Morgantown and half of which are residents of Pennsylvania or Ohio. Huntington National Bank has confirmed four (4) customers, all of whom are residents of Morgantown. BB&T has confirmed nine (9) customers, including residents of Morgantown or Preston County and an Elkridge Maryland resident who purchased gasoline at the Grafton Road Exxon.

101. The Device is currently in the lawful possession of the Federal Bureau of Investigation ("FBI"). It came into the FBI's possession in the following way: temporary transfer from the United States Secret Service ("USSS") to the FBI on November 1, 2017, having been obtained as indicated above, and to be returned to the USSS following application for this warrant. While the FBI and USSS might already have all necessary authority to examine the Device, I seek this additional warrant out of an abundance of caution to be certain that an examination of the Device will comply with the Fourth Amendment and other applicable laws.

102. The Device is currently in storage at the Resident Agency of the FBI, in Clarksburg, West Virginia. In my training and experience, I know that the Device has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Device first came into the possession of the FBI.

103. Based on my training, experience, and research, I know that the Device has capabilities that allow it to manufacture, counterfeit, alter, or modify credit or debit cards. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

104. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. This information can sometimes be recovered with forensics tools.

105. *Forensic evidence.* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how the Device was used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the Device because:

- a. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.
- b. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.

- c. The process of identifying the exact electronically stored information on a storage medium that are necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.
- d. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.


106. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

107. *Manner of execution.* Because this warrant seeks only permission to examine a device already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

CONCLUSION

108. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the Device described in Attachment A to seek the items described in Attachment B.

Respectfully submitted,



Terry Hedrick
Special Agent
United States Secret Service

Subscribed and sworn to before me
on November 1, 2017



UNITED STATES MAGISTRATE JUDGE